

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-03010-TNM**

SERVICE EMPLOYEES INTERNATIONAL UNION v. U.S.  
DEPARTMENT OF HEALTH & HUMAN SERVICES et al  
Assigned to: Judge Trevor N. McFadden  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/20/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION**

represented by **Hart W. Wood**  
AMERICAN OVERSIGHT  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. DEPARTMENT OF HEALTH &  
HUMAN SERVICES**

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**TERMINATED: 02/15/2019**

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**Defendant**

**CENTERS FOR MEDICARE AND  
MEDICAID SERVICES**

represented by **Christopher Charles Hair**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Damon William Taaffe**  
(See above for address)  
*TERMINATED: 02/15/2019*

**Doris Denise Coles-Huff**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 12/20/2018 | <u>1</u> | COMPLAINT against CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES ( Filing fee \$ 400 receipt number 0090-5850110) filed by SERVICE EMPLOYEES INTERNATIONAL UNION. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summons USAO Summons, # <u>3</u> Summons Att'y General Summons, # <u>4</u> Summons HHS Summons, # <u>5</u> Summons CMS Summons)(Wood, Hart) (Entered: 12/20/2018)   |
| 12/20/2018 | <u>2</u> | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by SERVICE EMPLOYEES INTERNATIONAL UNION (Wood, Hart) (Entered: 12/20/2018)  |
| 12/21/2018 |          | Case Assigned to Judge Trevor N. McFadden. (zsb) (Entered: 12/21/2018)   |
| 12/21/2018 | <u>3</u> | STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 12/21/18. (lctnm1) (Entered: 12/21/2018)   |
| 12/21/2018 | <u>4</u> | SUMMONS (4) Issued Electronically as to CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 12/21/2018)   |
| 01/07/2019 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/26/2018. ( Answer due for ALL FEDERAL DEFENDANTS by 1/25/2019.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/26/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTERS FOR MEDICARE AND MEDICAID SERVICES served on 12/26/2018; U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES served on 12/28/2018 (Attachments: # <u>1</u> Exhibit A)(Wood, Hart) (Entered: 01/07/2019) |
| 01/24/2019 | <u>6</u> | MOTION to Stay <i>and for extension of time</i> by CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris). Added MOTION for Extension of Time to on 1/28/2019 (tth). (Entered: 01/24/2019)   |
| 01/24/2019 |          | MINUTE ORDER granting <u>6</u> Motion to Stay. Upon considering the Defendants' <u>6</u> Motion to Stay, it is hereby ordered that this matter shall be stayed until Congress has restored appropriations to the Department of Justice. It is further ordered that the Defendants will notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/24/2019. (lctnm1) Modified on 1/28/2019 (hmc). (Entered: 01/24/2019)  |
| 01/29/2019 | <u>7</u> | NOTICE of Appearance by Damon William Taaffe on behalf of All Defendants (Taaffe, Damon) (Entered: 01/29/2019)   |
| 01/29/2019 | <u>8</u> | NOTICE of <i>Restored Government Funding</i> by CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES re Order on Motion to Stay, (Taaffe, Damon) (Entered: 01/29/2019)   |
| 01/29/2019 |          | MINUTE ORDER. The stay in this case is hereby lifted. Defendants are ordered to answer or otherwise respond to Plaintiff's Complaint on or before March 29, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/29/19. (lctnm1) (Entered: 01/29/2019)  |

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| 01/29/2019 |           | Set/Reset Deadlines: Defendants' answer or response to the Plaintiff's Complaint due by 3/29/2019. (hmc) (Entered: 01/29/2019)   |
| 01/31/2019 | <u>9</u>  | Unopposed MOTION to Modify <i>Schedule</i> by SERVICE EMPLOYEES INTERNATIONAL UNION (Attachments: # <u>1</u> Text of Proposed Order)(Wood, Hart) (Entered: 01/31/2019)   |
| 01/31/2019 |           | MINUTE ORDER granting Unopposed <u>9</u> Motion to Modify Schedule. The Defendants are hereby ORDERED to answer or otherwise respond to Plaintiff's Complaint on or before February 28, 2019. Signed by Judge Trevor N. McFadden on 1/31/19. (lctnm1) (Entered: 01/31/2019)  |
| 02/01/2019 |           | Set/Reset Deadlines: Defendants' answer or response to the Complaint due by 2/28/2019. (hmc) (Entered: 02/01/2019)   |
| 02/15/2019 | <u>10</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Christopher Charles Hair on behalf of All Defendants (Hair, Christopher) (Entered: 02/15/2019)  |
| 02/28/2019 | <u>11</u> | ANSWER to Complaint by CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES.(Hair, Christopher) (Entered: 02/28/2019)  |
| 03/01/2019 |           | MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before March 12, 2019. Signed by Judge Trevor N. McFadden on 3/1/19. (lctnm1) (Entered: 03/01/2019) |
| 03/01/2019 |           | Set/Reset Deadlines: Joint Status Report due by 3/12/2019. (hmc) (Entered: 03/01/2019)   |
| 03/12/2019 | <u>12</u> | Joint STATUS REPORT by SERVICE EMPLOYEES INTERNATIONAL UNION. (Attachments: # <u>1</u> Text of Proposed Order)(Wood, Hart) (Entered: 03/12/2019)   |
| 03/13/2019 |           | MINUTE ORDER. Upon consideration of <u>12</u> Joint Status Report, the parties are hereby ORDERED to file a further Joint Status Report on or before May 12, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/13/19. (lctnm1) (Entered: 03/13/2019)   |
| 03/13/2019 |           | Set/Reset Deadlines: Joint Status Report due by 5/12/2019. (hmc) (Entered: 03/13/2019)   |
| 05/13/2019 | <u>13</u> | Joint STATUS REPORT by SERVICE EMPLOYEES INTERNATIONAL UNION. (Attachments: # <u>1</u> Text of Proposed Order)(Wood, Hart) (Entered: 05/13/2019)   |
| 05/14/2019 |           | MINUTE ORDER. Upon <u>13</u> Joint Status Report, the parties are ORDERED to file a joint status report on or before June 21, 2019. Signed by Judge Trevor N. McFadden on 5/14/19. (Entered: 05/14/2019)   |
| 05/15/2019 |           | Set/Reset Deadlines: Joint Status Report due by 6/21/2019. (hmc) (Entered: 05/15/2019)   |
| 06/21/2019 | <u>14</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES. (Hair, Christopher) (Entered: 06/21/2019)   |
| 06/24/2019 |           | MINUTE ORDER. Upon <u>14</u> Joint Status Report, the parties are ORDERED to file a joint status report on or before July 24, 2019. Signed by Judge Trevor N. McFadden on 6/24/19. (lctnm1) (Entered: 06/24/2019)  |
| 06/24/2019 |           | Set/Reset Deadlines: Joint Status Report due by 7/24/2019. (hmc) (Entered: 06/24/2019)   |

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| 07/24/2019 | <u>15</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES. (Hair, Christopher) (Entered: 07/24/2019)   |
| 07/24/2019 |           | MINUTE ORDER. Upon consideration of <u>15</u> Joint Status Report, the parties are hereby ORDERED to file a Joint Status Report on or before September 20, 2019. Signed by Judge Trevor N. McFadden on 7/24/19. (lcntm1) (Entered: 07/24/2019)                       |
| 07/25/2019 |           | Set/Reset Deadlines: Joint Status Report due by 9/20/2019. (hmc) (Entered: 07/25/2019)   |
| 09/20/2019 | <u>16</u> | Joint STATUS REPORT by SERVICE EMPLOYEES INTERNATIONAL UNION. (Attachments: # <u>1</u> Text of Proposed Order)(Wood, Hart) (Entered: 09/20/2019)   |
| 09/20/2019 |           | MINUTE ORDER. Upon consideration of <u>16</u> Joint Status Report, the parties are ordered to file a further Joint Status Report on or before October 21, 2019. Signed by Judge Trevor N. McFadden on 9/20/19. (lcntm1) (Entered: 09/20/2019)                        |
| 09/23/2019 |           | Set/Reset Deadlines: Joint Status Report due by 10/21/2019. (hmc) (Entered: 09/23/2019)  |
| 10/21/2019 | <u>17</u> | Joint STATUS REPORT by CENTERS FOR MEDICARE AND MEDICAID SERVICES, U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES. (Hair, Christopher) (Entered: 10/21/2019)   |
| 10/21/2019 |           | MINUTE ORDER. Upon consideration of the parties' <u>17</u> Joint Status Report, the parties are hereby ORDERED to file a further Joint Status Report on or before December 3, 2019. Signed by Judge Trevor N. McFadden on 10/21/2019. (lcntm1) (Entered: 10/21/2019) |